

CALIFORNIA ACUPUNCTURE BOARD

1424 Howe Avenue, Suite 37, Sacramento, CA 95825-3233
Phone: (800) 952-5210 / (916) 263-2680 / Fax: (916) 263 -2654
E-mail: acupuncture@dca.ca.gov Web: www.acupuncture.ca.gov

State of California
Department of Consumer Affairs
Gray Davis, Governor



(Approved)
**ACUPUNCTURE BOARD
MEETING MINUTES**

March 11-12, 2002

The Sportsmen's Lodge Hotel
12825 Ventura Boulevard
Studio City, California 91604

**Monday – March 11, 2002
9:00 am – 5:00 pm**

MEMBERS PRESENT

Pei Li Zhong-Fong, L.Ac., Chair
Michael Eng, Vice Chair
Shari Asplund
Justin Tin, D.D.S.
Howard Moffet, L.Ac.
Min M. Chang
Joan C. Chang, L.Ac.

STAFF PRESENT

Marilyn Nielsen, Executive Officer
Don Chang, Legal Counsel
Janelle Wedge, Administrative Coordinator
Nancy Molinar, Education Coordinator
Christie Dohring, Examination Coordinator
Kerry Hartsough, Enforcement Coordinator
Helen Gathercole, Administrative Technician

MEMBERS ABSENT

GUEST LIST ON FILE

1. Call to Order and Establishment of a Quorum (P. Zhong-Fong, Chair)

Pei Li Zhong-Fong called the Acupuncture Board meeting to order at approximately 9:00 a.m., roll was taken and a quorum established.

2. Draft Strategic Plan – (Discussion/Action)

Ms. Zhong-Fong appreciated the Boards response and requested further evaluation and recommendations from the Board Members on the draft 2002 Strategic Plan. Marilyn Nielsen requested the Board members review and accept Howard Moffet's revisions and incorporate the recommendation to the draft.

**HOWARD MOFFET MOVED AND SHARI ASPLUND SECONDED THE MOTION
TO ACCEPT MR. MOFFET'S AMENDMENTS TO THE DRAFT STRATEGIC PLAN.
MOTION PASSED UNANIMOUSLY**

The Board reevaluated, discussed and made amendments to the revised strategic plan and reviewed briefly the interpretation of each goal and defined the intended outcome. Staff will develop objectives and performance measures to each goal and present the complete plan to the Board at the June meeting for approval and adoption.

**MICHAEL ENG MOVED AND JOAN CHANG SECONDED THE MOTION TO
ADOPT THE FINAL REVISIONS TO THE STRATEGIC PLAN AS AMENDED AND
AUTHORIZE THE EXECUTIVE OFFICER TO COMPLETE THE STRATEGIC
PLAN FOR BOARD APPROVAL.
MOTION PASSED UNANIMOUSLY**

3. HEARING: PETITION FOR REINSTATEMENT

Petitioner: Zion Yu (Case No. K-1A-1990-4984)

4. Pubic Comment Period:

Zarreh Martin, a Dong-guk-Royal University graduate asked the Board how can graduates who have not passed the licensing exam, practice under a licensed acupuncture practitioner? Mr. Martin asked the Board for directions and ideas. Mr. Moffet indicated that the schools do have provisions for continued clinical training for six months. Mr. Martin replied that most graduates lack the funding for the additional tuition needed for the training and suggest the Board consider taking a further look at this issue.

5. CLOSED SESSION: Pursuant to Government Code Section 11126(c)(1) and (c)(3) to discuss/take action on examination administration and disciplinary actions.

6. Adjournment

The Acupuncture Board meeting was adjourned at approximately 4:00 p.m.

CALIFORNIA ACUPUNCTURE BOARD

1424 Howe Avenue, Suite 37, Sacramento, CA 95825-3233
Phone: (800) 952-5210 / (916) 263-2680 / Fax: (916) 263
E-mail: acupuncture@dca.ca.gov Web: www.acupuncture.ca.gov

State of California
Department of Consumer Affairs
Gray Davis, Governor



(Approved)
ACUPUNCTURE BOARD
MEETING MINUTES
March 11-12, 2002
The Sportsmen's Lodge Hotel
12825 Ventura Boulevard
Studio City, California 91604

Monday – March 12, 2002
9:00 am – 5:00 pm

MEMBERS PRESENT

Pei Li Zhong-Fong, L.Ac., Chair
Michael Eng, Vice Chair
Shari Asplund
Justin Tin, D.D.S.
Howard Moffet, L.Ac.
Min M. Chang
Joan C. Chang, L.Ac.

STAFF PRESENT

Marilyn Nielsen, Executive Officer
Don Chang, Legal Counsel
Janelle Wedge, Administrative Coordinator
Nancy Molinar, Education Coordinator
Christie Dohring, Examination Coordinator
Kerry Hartsough, Enforcement Coordinator
Helen Gathercole, Administrative Technician

MEMBERS ABSENT

GUEST LIST ON FILE

1. Call to Order and Establishment of a Quorum (Pei-Li Zhong-Fong, Chair)

Pei Li Zhong-Fong called the Acupuncture Board Meeting to order at approximately 9:00 a.m. Roll was taken and a quorum established.

2. Chair's Report – Pei-Li Zhong-Fong

Ms. Zhong-Fong thanked and appreciated all the invested time and hard work the staff, Board Members, legal counsel and members of the Task Force have provided. Ms. Zhong-Fong indicated that the consumer was our priority.

3. Executive Officer's Report – Marilyn Nielsen

Ms. Nielsen reminded the Board Members that the Annual Statement of Economic Interest Form filing deadline is April 2, 2002. The DCA Board Relations have confirmed the 2002 New Board Member Orientations for April 23, 2002 at DCA in Sacramento; May 2 in San Francisco; May 15 in San Diego; and May 16 in Los Angeles. The FAOMRA and ACAOM meeting will be held the first weekend in May at the Myaka in San Francisco. The California Certified Acupuncturists Association is holding its 73rd Chinese Medicine Day Celebration Banquet, March 16, 2002 in San Francisco. Ms. Nielsen received an invitation from Dr. Joseph Tam on behalf of the Ministry of Health and the China Health Care Science Technology Society to visit China. The trip would include guest speaking and touring China schools and hospitals. Ms. Nielsen reported that the Department Internal Audit Office have concluded a performance

audit of the Board's programs. The Joint Legislative Sunset Review Committee requested the audit. The audit included review and evaluation of the Board's planning, examination, licensing, complaint and enforcement operations. At the exit interview, the overall conclusion was that the Board demonstrate satisfactory compliance with applicable laws and regulations and had only three findings, which have been rectified or are in the process of rectifying.

4. Approval of November 28, 2001 Meeting Minutes

Joan Chang expressed concerns regarding the public comment given by Brian Fennen, as it was not reported verbatim. Don Chang, legal counsel clarified that meeting minutes are a recap summary of the meeting, not recorded verbatim.

SHARI ASPLUND MOVED AND MICHAEL ENG SECONDED THE MOTION TO APPROVE THE NOVEMBER 28, 2001 MINUTES AS AMENDED. MOTION PASSED UNANIMOUSLY

5. Approval of January 14, 2002 Special Meeting Minutes

Ms. Nielsen indicated the second half of the paragraph will be replaced by a statement from Ms. Zhong-Fong.

SHARI ASPLUND MOVED AND MICHAEL ENG SECONDED THE MOTION TO APPROVE THE JANUARY 14, 2002 MINUTES AS AMENDED. MOTION PASSED UNANIMOUSLY

Ms. Zhong-Fong introduced Lynn Morris from DCA Board Relations. Ms. Morris indicated she was attending the meeting to learn more about the issues and to be brought up to date.

6. Examination Business (Discussion/Action)

a. January 23, 2002 Licensing Examination

Ms. Nielsen indicated that the Office of the Examination Resource's (OER) report for the January 23, 2002 licensing examination reflected a 51% overall passing score. The statistics by schools report prepared by the Board has also been released. Ms. Nielsen reported that in the last four exams there was only a 1% variance in passing rates for the three languages administered and the issue of mistranslation is almost nonexistent. Ms. Nielsen indicated the development and translation processes applied by OER are positively reflected in the statistical reports.

b. July 17, 2002 Licensing Examination

Ms. Nielsen informed the Board that the 2003 California Acupuncture License Examinations (CALE) are scheduled for January 22, 2003 and June 9, 2003 at the Sacramento Convention Center. Date and deadline information, are also posted to the Board's website. Mr. Eng expressed his concern regarding complaints about the exam and if there is a summary available. Ms. Nielsen assured the Board that all comments submitted at the exam and complaints following the exam are completed and reviewed during the passing score workshop. In addition the examination and review process included careful and thorough review of all examination materials, statistical analysis on all exam sections and translations were rechecked by Subject Matter Experts for accuracy. All candidates were given credit for questions that were found to be ambiguous and possibly containing more than one correct answer. These scoring adjustments were made prior to the results being released. Also to ensure accuracy, candidates within few points of obtaining a passing score were hand-scored before releasing the final results. OER maintains statistical and performance data on each question that could be reviewed by a Board member upon request. Ms. Asplund had concerns regarding the composition of the exam questions, and whether there was a distinction between best or a better answer? Ms. Nielsen responded that there is a clear distinction between the answers and that the entire exam question must be read and often a key word or symptom will lead the candidate to the correct answer. In addition each question

when developed is correlated back to a reference text and the candidates are provided a list of references in their candidate preparation guide.

c. Acupuncture Practice: Analysis of the Supplemental Demographic Questions in the 2001 Occupational Analysis

Ms. Nielsen reported the 2001 Occupational Analysis/Validation Report also contained supplemental questions (questions 11-16) relating to a licensee's graduation, preparedness for practice, effectiveness in diagnosing and treating patients, and continuing education. This analysis was not available or distributed with the Occupational Analysis. This supplemental information mirrored the questions in the 1996 survey to the licensees and the data will be utilized by the Board in the evaluation of competencies and curriculum standards.

7. Enforcement Business – (Discussion/Action)

a. Current Enforcement Cases

Kerry Hartsough, Enforcement Coordinator, reported that the statistics are compiled from the beginning of the fiscal year and the majority of the complaints have been unprofessional conduct and second largest complaint has been the criminal charges/convictions related to prostitution. Ms. Hartsough indicated there are 63 of these cases that are being investigated in-house, and 16 forwarded to Division of Investigation (DOI). Ms. Hartsough indicated there has been significant increase in communication between the Division and local enforcement, which has been encouraging. Mr. Eng asked Ms. Hartsough what she thought could be done to help in this area. She responded: Perhaps the schools could be more proactive in teaching students' professional ethics and responsibilities. Tom Haines, Pacific College of Oriental Medicine, indicated this area is not related to education and that it is a character issue. Mr. Moffet indicated that the unprofessional activities have a negative image of the profession and had concerns as to how to involve the professional associations to provide awareness. Ms. Nielsen replied that the licensee newsletter and Board website would be a good source of information in addition to contacting the media to provide public awareness.

b. DCA's Report/Proposal on Consumer Complaint Disclosure

Ms. Zhong-Fong instructed the Board to review the draft Consumer Complaint Disclosure submitted from the Department. Ms. Nielsen informed the Board that currently there is no disclosure to the public until an accusation has been filed against the licensee. Mr. Eng questioned the proposed draft and the consumer complaint policy and what action will be required of the Board. Ms. Morris indicated that the Department's complaint disclosure policy is defining a uniformed standard for all department boards and requested the Board review their current policy and procedures and adopt a policy which provides the most expedited release of information to the public. Ms. Morris suggested inviting a representative from DCA to make a presentation to discuss these issues with the Board. The Board accepted Ms. Morris suggestion for the next meeting in June.

Public Comment: Brian Fennen, L.Ac. (CAOMA) asked the Board to address the privacy concerns for the profession and at what level do the licensee and complainant have protection for their privacy. In order to review the issue of consumer complaint disclosure to the full extent it deserves, the Board directed the executive officer to reschedule for the June 2002 meeting, invite DCA representatives to make presentation and discuss with Board, distribute DCA's Policy to the associations. And invite input and testimony at the June meeting and research what other health care boards are doing.

8. Education Business - (Discussion/Action)

a. Report on January 28, 2002, Competencies Task Force Meeting in Los Angeles

Ms. Asplund reported that the Task Force has encouraged communication and understanding between the schools and professional associations. They have made progress identifying competencies and assigning hours to the didactic training and will be assigning hours to clinical training. The next Task Force meeting will be held in Sacramento on April 10, of 2002 and at that time the range of hours will be assigned to

clinical competency, re- review all assigned ranges, and conclude it's findings with a report to the Board. Mr. Haines and Mr. Fennen, members of the Task Force suggested representatives from both the schools and associations meet prior to April 10th to further discuss and review domains, competencies and core curriculum issues.

**MICHAEL ENG MOVED AND JOAN CHANG SECONDED THE MOTION TO COMMEND THE TASK FORCE FOR THEIR EXCELLENT AND UNPRECEDENTED HARD WORK. THE BOARD REQUESTED THE TASK FORCE PRESENT THEIR "FINAL" REPORT TO THE BOARD NO LATER THAN APRIL 24, 2002, AND CONCLUDE THE TASK FORCE BY APRIL 24, 2002 AT MIDNIGHT.
MOTION PASSED UNANIMOUSLY**

b. School Re-Visit – Southern California University, School of Oriental Medicine and Acupuncture Los Angeles, California

Ms. Zhong-Fong introduced Mary Lee, Adviser, Hyun Sook Cho, Academic Dean and Han Gyu Kim, Associate Dean, representatives of SCUSOMA. On February 22, 2002, Ms. Zhong-Fong, L.Ac., and Nancy Molinar, Education Coordinator, returned to SCUSOMA to perform the 6 month revisit which was part of the twelve month conditional approval given by the Board. Ms. Zhong-Fong indicated in her re-evaluation that five out of ten issues of concern had been completed adequately. Ms. Zhong-Fong recommends that the school should refine their clinic internship program and procedures, revise their Clinical Training Program Manual accordingly and follow-up on any other recommendations or requirements from the Board. Ms. Zhong-Fong expressed that she cannot recommend full approval of SCUSOMA at this time. Ms. Molinar reported that the library holdings still need to be improved and located in a centralized area. The library log reflected very little use by the students. Ms. Lee assured the Board that they would be reorganizing and purchasing more books each quarter and provide the students with computer access. Ms. Lee reported, as of May 17, 2001, that the school has addressed the issues of concern and recommendations by the Board and that they have made progressive improvements since their last site visit in May. Mr. Moffet expressed his concerns about the library and the quality of the comprehensive exams. He stressed the school needs to be proactive and progressive, not only responding to the Board's concerns and recommendations. He recommended the school develop a productive plan defining future program growth and improvements. Mr. Eng requested that the school update their referral policy manual, indicated that this was an important issue with the Board. Ms. Lee assured the Board that the school would update, republish and then provide the Board with a new policy manual.

Public Comment: Neal Miller, asked if it was an issue to the Board if a school does or does not apply to Accreditation Commission of Acupuncture and Oriental Medicine (ACAOM)? Mr. Moffet responded that if a school is planning to apply to both the Board and ACAOM that the Board could utilized the services of ACAOM rather than doubling up the efforts of the review process.

SHARI ASPLUND MOVED AND JOAN CHANG SECONDED THE MOTION TO EXTEND THE CURRENT ONE-YEAR CONDITIONAL APPROVAL FOR SOUTHERN CALIFORNIA UNIVERSITY SCHOOL OF ORIENTAL MEDICINE AND ACUPUNCTURE FOR AN ADDITIONAL SIX-MONTHS, TO DECEMBER 31, 2002. THE BOARD WILL CONDUCT SCHOOL SITE REVISIT AND THE FINDINGS WILL BE PRESENTED TO THE BOARD FOR A FINAL DECISION AT THE NOVEMBER 2002 BOARD MEETING.

**AYES: JOAN CHANG, MICHAEL ENG, PEI LI ZHONG-FONG,
SHARI ASPLUND, JUSTIN TIN, MIN CHANG**

**NOES: HOWARD MOFFET
MOTION PASSED**

c. Pending New School Applications – Assign Board Member to Site Visit Team

Ms. Nielsen reported that all 2001 five pending school applications have concluded and that in January 2002 Pacific College of Oriental Medicine in Chicago applied for Board approval. Ms. Nielsen requested the Board assign a professional member to participate in the site visit to Chicago scheduled for fall 2002. Joan Chang, L.Ac., requested to be included as a member of the site visit team for this review. Regarding Pacific College of Oriental Medicine, Ms. Nielsen asked if the Board would be willing to allow PCOM to submit a portfolio of photographs and an update of the financial report, in lieu of an onsite school visit. Legal Counsel indicated that an actual inspection of the school, by law needs to be performed and that a paper review is not adequate. There was further discussion by the Board regarding public member versus licensed member attending the school site visit. Michael Eng would like to revisit this policy as the requirement of having a professional member always attend the school site visit is burden to the professional member.

d. School Application/Approval Process

Howard Moffet would like to see a prerequisite of all schools applying for Board approval to meet the Accreditation Commission of Acupuncture and Oriental Medicine (ACAOM) standards. He indicated with ACAOM standards the schools must be reviewed every few years. The Acupuncture Board would continue to maintain approval of the schools. Ms. Nielsen suggested the Board could continue to conduct site visits in California and require that schools outside California be in ACAOM candidate status prior to applying to the California Board for approval. She indicated the school application/approval process, currently is inadequately defined in regulations and that the policies established in the site visit manual needs to be incorporated into regulation, or accept ACAOM accreditation. The Board directed the Executive Officer to schedule the school application/approval process for the June 2002 meeting allowing enough time to thoroughly discuss the issue, review the Board's current process, including testimony from members of the site visit team, review Acupuncture Board Laws and Regulations, invite input and testimony from California Board approved schools, associations and evaluate other processes available, such as BPPVE and ACAOM.

Public Comment: Neal Miller, expressed concerns that the Board was not shuffling their responsibilities to another agency and that accreditation cost are so much higher. He suggested there may be an alternative source of service that would be less of a financial concern for the schools than the accreditation process. Mr. Moffet indicated there is a misunderstanding regarding accreditation standards. ACAOM checks both the Boards and ACAOM's standards, that by accepting ACAOM accreditation there is no lowering of standards, but enhances the process. Steve Given, CCAOM, Bastyr University, indicated utilizing ACAOM as an accreditation prerequisite to the Board approval would be positive and would not diminish the quality of the education or institutions in California. Mr. Given stated that the Board would remain responsible for the control of the process.

e. China Externship Program Proposal

1. China International Medical University, Los Angeles

Jianfu Jiang, L.Ac., President, Shelly Han, Assistant Dean, and Bruce Baptie, L.Ac., Academic Dean, representatives of CIMU introduced themselves. Ms. Jiang presented a proposal for Board approval of an externship Program with Shanghai University of Traditional Chinese Medicine (SUTCM) in China. Ms. Jiang indicated that their students want the opportunity to learn to treat complex diseases. And to her knowledge there are no other resources available in this country. The Board had concerns for tracking clinical hours and wanted assurance that the students are training within the scope of practice acceptable in California. Mr. Baptie would provide the Board a letter from CIMU and signed by SUTCM guaranteeing compliance. He explained that he would be accompanying the students. The Board recommended CIMU consider the concerns and questions raised by the Board, revise their application addressing these areas of concern and resubmit it to the Board for consideration. Legal Counsel, Don Chang, referring to Item #4, "Hours and Programs Length," of CIMU's proposal, reminded them that a minimum 75% of CIMU's clinical instruction must be

completed at the school owned and operated clinic, therefore only 25% can be applied from an approved externship.

Public Comment: Jack Miller from Pacific College of Oriental Medicine (PCOM) posed the question to the Board, that if a student was attending the approved school and took a clinic training in China, what would be the problem of approving as transfer credit? In addition, can credit be give to a student who attends a Western Medicine course, such as medical terminology taken at a junior college during matriculation at PCOM? Legal Counsel referred to California Code of Regulations section 1399.436 (k), which states: Each training program shall develop a mechanism to evaluate and award transfer credit to students for “prior” coursework.

2. Five Branches Institute, Santa Cruz

Ron Zaidman, President, CEO of Five Branches Institute, requested that the students that participated in a short term externship from July 30 through August 10, 2001 with Xuan Wu Hospital of Traditional Chinese Medicine in Beijing, China, be approved for clinical hours worked, in addition to any students attending the program in the future. The Board denied Five Branches 2001 China Externship as the request for approval was after the fact, therefore students who participated in the externship will not be allowed to apply the clinical hours worked in China as part of their clinical practice hours applicable at their Five Branches Program.

f. Continuing Education Courses

The Board directed staff to evaluate the continuing education process (i.e.) provider, course application and approval etc. and provide the Board with a recommendation about the program.

Public Comment: Neal Miller indicated that he would like to see more certified medical examiners courses and asked the Board to review the minimum standards for continuing education courses. Brian Fennen questioned the approval of the course, “Computerized Acupuncture Meridian Diagnosis for Patients Service,” and whether this device was FDA approved? Ms. Nielsen indicated she could check with Mark Emmerson, CDHS, but that she didn’t think it was approved.

9. Administrative Business – (Discussion/Action)

a. Sunset Review – Joint Legislative Sunset Review Committee – December 6, 2001 Public Hearing and Board’s Written Response to Outline of Issues/Questions

Ms. Nielsen updated the Board’s response to the Joint Committee’s outline of issues and questions, was submitted to the Joint Committee following the December 6, 2001 hearing. She reviewed the dates scheduled for the Boards sunset review process with the Board. The Department’s recommendations should be released to the Joint Committee and the Board by mid March. A meeting has been scheduled for March 21, 2002 for the executive officer to meet with Joint Committee consultants to discuss key sunset issues. The Joint Committee’s final recommendations are scheduled to be publicly released the week of March 25, 2002 and scheduled for discussion at the Joint Committee’s April 2 public hearing. The Joint Committee will conclude with a vote only meeting on April 10 to adopt the final recommendations. The final recommendations will be amended into the Joint Committee’s sunrise bill for the Board, SB 1951. Ms. Nielsen indicated she will be attending the hearing and suggested any Board member may attend the hearing as well. Lynn Morris, Board Relations, emphasized that the Department has an open and collective process with the boards during the sunset review. The Department and Joint Committee are still open to input and haven’t developed final recommendations as yet.

b. Status Report - 2002 Legislative Proposals, B&P Code Sections 4935, 4938.2, 4955, 4955.1, Tab L 4955.2, 4960.5, and 4977.2

Ms. Nielsen indicated at the May 2001 Board meeting the 2002 Enforcement Legislative Proposals were approved amending B&P Code Sections 4935, 4938.2, 4955, 4955.1, 4955.2, 4960.5, and 4977.2. The Department notified the Board that since the Board was up for sunset review the Department is unable to sponsor any of these legislative proposals. The Joint Committee is still considering the proposals for inclusion into SB 1951.

c. Legislation that may impact the Board

- 1. SB 573** would require health care plans to offer acupuncture coverage to their members.

Public Comment: Brian Fennen indicated that previously the law required offering acupuncture services but exempted HMO plans. Steve English indicated that insurance companies are concerned and the coverage might contribute to additional expense and that the supplier and patient will incur the cost. Mr. Fennen stated that the carriers could justify the acupuncture as a substitute treatment and could be cost effective.

SHARI ASPLUND MOVED AND JOAN CHANG SECONDED THE MOTION TO TAKE A "SUPPORT" POSITION ON SB 573.

AYES: JOAN CHANG, MICHAEL ENG, PEI LI ZHONG-FONG, SHARI ASPLUND, AND MIN CHANG

NOES: NONE

ABSTAINED: HOWARD MOFFET

ABSENT: JUSTIN TIN

MOTION PASSED

MOTION PASSED

- 2. SB 1705** would allow qualified licensed acupuncturists to conduct disability evaluations for injured workers under the California Labor Code.

Public Comment: Brian Fennen indicated that the profession have been termed physicians in the Workers Compensation System as primary care providers since 1988 and then renewed in 1989 as permanent physicians with Workers Compensation. A practitioner is required to take an exam to become a Qualified Medical Evaluator (QME), and there is a required three hundred-hour postgraduate training program or an alternative program where the Board would have oversight and approval of the program's continuing education providers. Neal Miller, Sherman Oaks Chamber of Commerce, indicated the chamber has evaluated the merits of SB1705 and SB1002, and the previous Acupuncture Board took a position on the bill. The Industrial Counsel requires a specialty board in order for an acupuncturist to participate as a QME. Mr. Miller indicated that this and other Chamber of Commences support this bill, as it is a good business bill and would provide proper evaluation to the injured worker. In answer to a question regarding what constitutes conflict of interest for acupuncturist, Gary Shultz responded it would apply, where the individual in question has a financial interest in the outcome. Ted Priebe indicated that he has participated in the committees that developed Workers Compensation since 1993, and is available to answer questions regarding the bill. Mr. Priebe indicated that there are two types of QME's, which still have educational deficiencies. The reason they developed the educational tract through the National Acupuncture Orthopedics was to address these issues. Mr. Priebe stated that the IMC currently recognizes portions of our programs that qualify QME's under the current law. This bill would increase the education so acupuncturists can qualify fully as disability evaluators. Mr. Priebe indicated this would benefit the system financially, because of the duplicate evaluation reports to evaluate for reasoning disability.

JOAN CHANG MOVED AND MICHAEL ENG SECONDED THE MOTION TO TAKE A "SUPPORT" POSITION ON SB 1705.

AYES: JOAN CHANG, MICHAEL ENG, HOWARD MOFFET, PEI LI ZHONG-FONG, MIN CHANG, SHARI ASPLUND

NOES: NONE

ABSENT: JUSTIN TIN

MOTION PASSED

- 3. AB 1943 (Chu) - amends B & P Code Sections 4935, 4937, 4938, 4939 and 4940**

AB 1943, would include the practice of oriental medicine as an aspect of acupuncture; includes

ability to diagnose within the scope of practice; specifies minimum hours of study and practice for training programs; requires member of clinical faculty of the training programs to have five years experience as a licensed acupuncturist; provides that the Board approval of schools is valid or a period determined by the Board and requires the Board establish a review of the schools. Mr. Eng respectfully recused himself from discussion and vote on the next two bills. Mr. Moffet had concerns for the requirements that the Board establishes a review process for school approvals and the fiscal impact on the Board and staff.

Public Comment: Brian Fennen indicated he wanted to review AB 1943, with the Board, which is a template that can be amended. Steve Given, CCAOM, Bastyr University, indicated he opposes the bill in its current form and had the following seven issues of concern: (1) increasing hours doesn't guarantee quality; (2) there is no demonstrated need to do so, such as efficacy, safety, etc; (3) needed accreditation guidelines for advanced curricula, AB 1943 harms new doctorate; (4) increases cost to the students, ultimately to the patients; (5) The bill established 4,000 hours for a masters degree and in opposition to accreditation standards; (6) Fiscal impact to the Board and schools of adding new reapproval process, the schools would be in a constant state of reapproval or reaccreditation; and (7) mandating a five year faculty hiring policy. Jack Miller, CCAOM & PCOM, concurs with Mr. Givens. Tom Haines, Academic Director, Pacific College of Oriental Medicine, reported that he met with Assemblywoman Chu and Senate B&P representatives with the schools concerns about how diagnosis should be defined within AOM and the use of doctor titles. Mr. Haines reported that the California schools do support other bills. Mr. Haines suggested the Board have at least a licensed clinical acupuncturist employed by one of the approved schools and/or a United States graduate in higher education. Haines indicates that a valid process has been in existence for the last three or four years with the Accreditation Commission. The approval process in AB 1943 would be cumbersome and that schools should be ACAOM accredited or in candidate status. Haines stated he would have his proposed revisions completed and Mr. Haines rep submitted to Assemblywoman Chu promptly. Neal Miller stated that he is a member of the Competencies Task Force and served on the Education Task Force and the Scope of Practice Committee, and he supports the education standards and increase in hours. Steve Givens indicated ACAOM's doctorate was never developed to replace the current master degree.

SHARI ASPLUND MOVED AND JOAN CHANG SECONDED THE MOTION TO TAKE A WATCH POSITION ON AB 1943.

AYES: JOAN CHANG, PEI LI ZHONG-FONG, SHARI ASPLUND, HOWARD MOFFET, MIN CHANG

NOES: NONE

RECUSED: MICHAEL ENG

ABSENT: JUSTIN TIN

MOTION PASSED

4. **SB 2314** establishes certification procedures for traditional Asian herbal medicine products in order to assure that they do not contain heavy metal contaminants that exceed acceptable standards. **Public Comments:** Steve English, representing the profession, reported this bill is a result directly from Proposition 65 last year. Many herbal manufactures and retailer products have been sued, because of contamination that have been identified under Proposition 65. The professions have also been effected by the bill when prescribing herbs. He indicated SB 2314 established a certification process where the manufacturers voluntarily submit their product to the Department of Health

Services (DHS) to determine if it is within acceptable standards that have been established by the DHS. Mr. English indicated that this bill has been widely supported and at this time there is no opposition.

JOAN CHANG MOVED AND HOWARD MOFFET SECONDED THE MOTION TO TAKE A “SUPPORT” POSITION ON SB 2314.

AYES: JOAN CHANG, PEI LI ZHONG-FONG, SHARI ASPLUND, HOWARD MOFFET, MIN CHANG

NOES: NONE

RECUSED: MICHAEL ENG

ABSENT: JUSTIN TIN

MOTION PASSED

d. 2002/2003 Budget Change Proposal – Office Assistant (Chinese Translator)

Ms. Nielsen reported the Budget Change Proposal to hire a permanent Office Assistant whose primary duties would be to address the Chinese language needs of the public, examination applicants and licensees, is scheduled for Senate Budget Hearings March 13, 2002 and Assembly Budget Hearings April 16, 2002. Ms. Nielsen indicated that she would keep the Board informed and at this time there has been no opposition to the proposal.

e. Budget Reports

Ms. Nielsen reported that the Board would not have a 62 % surplus as projected in the 2001/2002-budget report. She recently received a notice from the Attorney General’s Office that indicated the Board has expended the total appropriations in the enforcement budget. Ms. Nielsen indicated that while there is some flexibility, she would monitor this on a monthly basis to assure not exceeding the total budget, and would only hold cases if necessary to complete the fiscal year in a surplus.

f. Title 16, California Code of Regulations, Section 1399.456 – Use of Title Doctor of Oriental Medicine

Ms. Nielsen reported that a modification to the text was made and a fifteen (15) day notice sent. Modification consisted of changing the article and section number of the Education Code referenced in the text. The Board also added a document; Legislative Counsel opinion #21895 dated August 24, 1999, to the rulemaking file. Once the Department returns the executed fiscal impacts to the Board, the rulemaking file will be completed and filed with the Department and OAL for approval. To comply with the one-year requirement, the rulemaking file must be submitted by the end of September 2002.

g. New Consumer Brochure

Ms. Nielsen explained the Board’s first consumer brochure is now complete and released publicly for the first time at this meeting. She acknowledged the dedication, creativity, support and efforts of the brochure team, which consists of Shari Asplund, Janelle Wedge and herself. Ms. Nielsen indicated that staff would begin distributing the brochures immediately. The brochure is an ever-evolving document to be revised as needed with distribution ongoing. The brochure has also been posted on the Board’s website www.acupuncture.ca.gov.

10. Public Comment Period:

No public comment.

11. Adjournment

The Acupuncture Board meeting was adjourned at approximately 5:00 p.m.